

## **REMARKS**

Agent for Applicant submits previously presented claims 31-34, 36, 38-42 and 44; currently amended claims 30, 32, 35, 37, 44, 45 and 47; and cancelled claims 1-29, 43 and 46 for consideration by the Examiner. The present application has 16 claims in total.

### **Claim Rejections – 35 U.S.C. § 112**

The Examiner stated in the Final Action that claim 37 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner noted that claim 37 refers to “the controls” whereas previous recitations include a singular “control”, and requested appropriate amendment.

Agent for Applicant has amended claim 37 to read “said control”, consistent with previous recitations. Agent for Applicant respectfully submits that the claims are now in compliance with 35 U.S.C. § 112.

### **Claim Rejections – 35 U.S.C. § 102**

In the Final Action, the Examiner rejected claims 30-35, 38-41 and 43-47 under 35 U.S.C. § 102(e) as being anticipated by Gruteser et al. (6,870,477).

More specifically, the Examiner was of the view that (see paragraph 8 of the subject Office Action):

the Gruteser device does provide feedback information, in the form of signals, to a controller (240). The controller (240) issues instructions to effectors (210) to control various aspects of the chair, for instance, “if the information contained in the signal indicates that a person of a particular weight occupies the chair, the effectors in the chair may be signalled by the communications devices to adjust the ergonomic settings of the chair” (column 5, line 67 – column 6, line 4).

The Examiner kindly acknowledged in the Interview Summary that the claimed invention is novel over Gruteser because “the claimed invention sends information to the seat occupant about the function of a certain control without affecting the member itself. Furthermore, the seat

occupant controls the adjustment of the member, not a signal.” Agent for Applicant has added such limitation to independent claims 30, 35, 45 and 47 of the present application.

Furthermore, the Examiner has kindly acknowledged in the Interview Summary that the claimed invention is novel over Gruteser because “the claimed invention sends information to the seat occupant about the function of a certain control without affecting the member itself.” Each of the claims, including claim 30 which has adopted the limitation previously presented in claim 46 (now cancelled), now comprises such a limitation.

Thus Agent for Applicant respectfully submits that claims 30-35, 38-41 and 43-47 are not anticipated by Gruteser.

#### Claim Rejections – 35 U.S.C. § 103

##### *Claims 36-37*

The Examiner rejected claims 36-37 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Sparks (6,204,767) as Gruteser disclosed all claimed elements except the provision of audio feedback from the control, which is taught by Sparks.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 35, upon which claims 36 and 37 are dependent, the claims as presented are patentable over Gruteser in view of Sparks. Sparks does not teach the control outputting information to an occupant of the member regarding the function of said control without producing the movements of the member.

Therefore, Agent for Applicant respectfully submits that claims 36-37 are patentable over Gruteser in view of Sparks.

##### *Claim 42*

The Examiner also rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over Gruteser in view of Burt (US 2002/0056709) as Gruteser disclosed all claimed elements except body-positioning means comprising a lumbar adjustment member controlled by a timer, which is taught by Burt.

Agent for Applicant respectfully submits that in view of the above mentioned amendment to claim 30, upon which claim 42 is dependent, the claims as presented are patentable over Gruteser in view of Burt. Burt does not teach the information output circuitry outputs information to an occupant of the member regarding the function of the controller without producing movement of the parts.

Therefore, Agent for Applicant respectfully submits that claim 42 is patentable over Gruteser in view of Burt.

#### Further amendments to the Claims

Agent for Applicant notes that further amendments have been made to claims 30, 32, 35 and 44.

Claim 30 has been amended to remove redundant limitations.

Claim 32 has been amended such that it is dependent upon claim 30 rather than claim 31, as it is not required that a solar panel be provided for the biorhythm sensor.

Claim 35 has been amended to clarify that the member need not be a chair.

Claim 44 has been amended to be dependent on claim 38 given that claim 43, upon which it was previously dependent, has been cancelled.

Agent for Applicant respectfully submits that the claims as amended are allowable.

**CONCLUSION**

Applicant respectfully encloses herewith payment of \$65.00 for one month's extension on a small entity basis.

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



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